

**In the United States District Court
for the Southern District of Georgia
Brunswick Division**

BEN AMMONS,

Plaintiff,

v.

CV 2:22-039

SYNCHRONY BANK,

Defendant.

ORDER

Plaintiff Ben Ammons initiated this action on March 14, 2022. See Dkt. No. 1-1 at 2. On April 22, 2022, Defendant Synchrony Bank removed the action to this Court, dkt. no. 1, and on April 27, 2022, it filed its answer, dkt. no. 5. On June 8, 2022, Defendant filed a motion for judgment on the pleadings, pursuant to Federal Rule of Civil Procedure 12(b) (6) and 12(c). Dkt. No. 10. Then, on June 21, 2022, Plaintiff filed an amended complaint. Dkt. No. 15. For the reasons below, Defendant's motion for judgment on the pleadings is **DENIED as moot**.

LEGAL STANDARD

Under Rule 15 of the Federal Rules of Civil Procedure, a party may amend its pleading once as a matter of course within twenty-one days after service of a motion under Rule 12(b), (e), or (f). Fed. R. Civ. P. 15(a)(1)(B). "In all other cases, a party may

amend its pleading only with the opposing party's written consent or the court's leave." Fed. R. Civ. P. 15(a)(2). An amended pleading "supersedes the former pleading" such that "the original pleading is abandoned by the amendment, and is no longer a part of the pleader's averments against his adversary." Dresdner Bank AG v. M/V Olympia Voyager, 463 F.3d 1210, 1215 (11th Cir. 2006) (internal quotation marks and citation omitted); see also Fritz v. Standard Sec. Life Ins. Co., 676 F.2d 1356, 1358 (11th Cir. 1982) (citations omitted) ("Under the Federal Rules, an amended complaint supersedes the original complaint.").

DISCUSSION

Plaintiff timely filed his amended complaint pursuant to Rule 15(a)(2). Thus, Plaintiff's amended complaint supersedes his original complaint. Defendant's motion for judgment on the pleadings, dkt. no. 10, which was directed at Plaintiff's original complaint, has thus been rendered moot. See Ray v. Bank of Am., N.A., No. 114CV02153ODEJFK, 2015 WL 11257487, at *2 (N.D. Ga. Jan. 13, 2015) (denying as moot motion for judgment on the pleadings in light of amended complaint becoming the operative pleading) (collecting cases). Should Defendant wish to renew its arguments with regard to the amended complaint, it is granted leave to do so within the time prescribed by the Federal Rules of Civil Procedure.

CONCLUSION

Defendant's motion for judgment on the pleadings, dkt. no. 10, is **DENIED as moot.**

SO ORDERED, this 22nd day of June, 2022.



HON. LISA GODBEY WOOD, JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA